

Applicant: Gary Jensen
Application No.: 09/862,853

The MPEP sets forth that "[i]f the search and examination of an entire application can

be made without serious burden, the examiner must examine it on the merits, even though

it includes claims to independent or distinct inventions." MPEP § 803. Applicants

respectfully submit that the claims of Group II (which are directed to a method of displaying

rigid sample panels) should be examined together with the claims of Group I (which are

directed to a display assembly) since a search for the subject matter of the claims of Group

II must be made in order to perform a thorough search of the prior art for the subject matter

of the claims of Group I. Accordingly, Applicants respectfully submit that the search and

examination of the subject matter of the claims of Groups II does not increase the burden

on the Examiner relative to only searching and examining the subject matter of the claims

of Group I. Applicants respectfully request that the Examiner reconsider this restriction

requirement and together examine the claims of Group I and Group II.

The Examiner also asserts that the claims are directed to three (3) patentably distinct

species: Species I (Figures 2-4), Species II (Figures 5, 6a and 6b) and Species III (Figures

1a, 9 and 10). The Examiner also asserts that no claims are generic to the three (3) disclosed

species. Applicants provisionally elect Species III (Figures 1a, 9 and 10) for prosecution on

the merits if no generic claim is held to be allowable. Applicants respectfully traverse,

however, the Examiner's assertion that there is no generic claim. Applicant's respectfully

Applicant fails to
provide a showing of how/why
cls 1, 7, 10 are generic. Why are
these claims deemed to be generic?

No basis or
support for
applicant's
conclusionary
& self-serving
statements,
Is appl.
stating fact
method is not
pat. distinct
from product?

failed to
show that
a coextensive
search is a
reason for
not requiring
a restriction
requirement

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App. should note definition of a "generic" claim. (Exr should be able to state why these cls are not considered "generic")
submit that claims 1, 7 and 10 are generic. Should the Examiner continue to assert that there is no generic claim, Applicants respectfully request that the Examiner specify which element(s) do not read on all three species.

If the Examiner believes that any formal matters for this application need to be addressed, the Examiner is respectfully invited to contact the undersigned, by telephone, at the Examiner's convenience.

Prompt examination on the merits of the claims of Group I and Group II is respectfully solicited.

Respectfully submitted,

Gary Jensen

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